

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal Case No. 2:06-cr-200-CSC
)	
ROSA E. RINCON)	

MOTION IN LIMINE

COMES NOW Defendant, by and through counsel, and prays that this Court will Order *in limine* that the government refrain from arguing, eliciting testimony, or offering evidence of any sort establishing that Defendant is in the United States unlawfully, and in support of which would show the Court as follows:

1. Such evidence would be irrelevant and its admission would be prohibited by Rule 402, Federal Rules of Evidence.
2. To the extent that such evidence would be relevant, its admission would be harshly prejudicial to Defendant and its admission would be prohibited by Rule 403, F.R.Evid.
3. Such evidence would be in the nature of “character” evidence and, failing of one of the exceptions stated, would be inadmissible under Rule 608, F.R.Evid.

WHEREFORE, the premises considered, Defendant prays that the Court will order in limine that the government be prohibited from offering or alluding to such evidence in any way or by any means, including cross-examination of Defendant, and that the government be directed to instruct its witnesses that they not refer in any way to the status of Defendant.

RESPECTFULLY SUBMITTED, this __21st__ day of September, 2006.

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ASB-2014-E66J
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CERTIFICATE OF SERVICE

I hereby certify that on the _21st_ day of September, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following parties or counsel:

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